

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan Waterman	Team: Squad #14	CCRB Case #: 201910803	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/03/2019 8:30 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 3/3/2021	EO SOL 10/18/2021	
Date/Time CV Reported Wed, 12/18/2019 8:58 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 12/18/2019 8:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Sidorskiy	14429	931988	PBBS SU
2. POM Eric Cavallo	08649	957439	PBBS SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Eric Cavallo	Abuse: Police Officer Eric Cavallo refused to provide his shield number to § 87(2)(b)	
B.POM Michael Sidorskiy	Abuse: Police Officer Michael Sidorskiy refused to provide his shield number to § 87(2)(b)	
C.POM Michael Sidorskiy	Abuse: Police Officer Michael Sidorskiy interfered with § 87(2)(b)'s use of a recording device.	
D.POM Eric Cavallo	Discourtesy: Police Officer Eric Cavallo spoke discourteously to § 87(2)(b)	
E.POM Michael Sidorskiy	Discourtesy: Police Officer Michael Sidorskiy spoke discourteously to § 87(2)(b)	
F.POM Eric Cavallo	Discourtesy: Police Officer Eric Cavallo acted discourteously toward § 87(2)(b)	

Case Summary

On December 18, 2019, § 87(2)(b) filed this complaint through the CCRB website.

On September 3, 2019, at approximately 8:30 p.m., § 87(2)(b) was driving along Utica Avenue in Brooklyn when she pulled into the parking lot of § 87(2)(b) located at § 87(2)(b) in Brooklyn. PO Michael Sidorskiy and PO Eric Cavallo of the Patrol Borough Brooklyn South Specialized Unit pulled into the parking lot, exited their vehicle and approached § 87(2)(b) vehicle. PO Cavallo asked § 87(2)(b) for her identification, which § 87(2)(b) refused to provide. § 87(2)(b) asked PO Cavallo and PO Sidorskiy for their shield numbers, which they allegedly refused to provide (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) PO Cavallo and PO Sidorskiy walked away from § 87(2)(b) vehicle to prepare summonses. § 87(2)(b) exited her vehicle and recorded the incident on her cell phone. PO Sidorskiy allegedly shined a flashlight at § 87(2)(b) face to interfere with her ability to record (**Allegation C: Abuse of Authority**, § 87(2)(g) PO Cavallo and PO Sidorskiy allegedly told § 87(2)(b) that they did not “give a fuck” that § 87(2)(b) was recording the incident on her phone (**Allegation D: Abuse of Authority**, § 87(2)(g) **Allegation E: Abuse of Authority**, § 87(2)(g) At the end of the incident, PO Cavallo allegedly threw a summons on the floor of § 87(2)(b) vehicle (**Allegation F: Discourtesy**, § 87(2)(g).

As a result of this incident, PO Sidorskiy issued § 87(2)(b) a summons for a missing front license plate, and PO Cavallo issued § 87(2)(b) a summons for disorderly conduct (BR 01).

§ 87(2)(b) provided the investigation with a nine-minute video of this incident, which she captured on her cell phone and uploaded to § 87(2)(b). Both PO Cavallo and PO Sidorskiy recorded the incident on their body-worn cameras. The relevant aspects of the footage are discussed below.

Allegation A: Abuse of Authority: Police Officer Eric Cavallo refused to provide his shield number to § 87(2)(b)

Allegation B: Abuse of Authority: Police Officer Michael Sidorskiy refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) pulled into the parking lot of the § 87(2)(b) at § 87(2)(b) in Brooklyn with her Mercury Sable sedan, which had a single rear Massachusetts license plate. § 87(2)(b) parked her Mercury Sable between two parked vehicles. PO Cavallo and PO Sidorskiy drove their unmarked police sedan into the parking lot, parked the vehicle behind § 87(2)(b) Mercury, and exited their vehicle. The investigation did not plead a vehicle stop allegation in this case, for PO Cavallo and PO Sidorskiy testified that they initiated the vehicle stop for § 87(2)(b) failure to have a front license plate in the moments before she pulled into the parking lot, and she was ultimately summonsed for the lack of a front license plate. The officers approached § 87(2)(b) vehicle, with PO Cavallo on the driver’s side, and PO Sidorskiy on the passenger’s side. PO Cavallo asked § 87(2)(b) for her identification, which § 87(2)(b) refused to provide.

§ 87(2)(b) (BR 02, 03) testified that, when PO Cavallo and PO Sidorskiy approached her vehicle, she asked both of them, “Who are you? Can I see your badge?” because she did not believe they were police officers. PO Cavallo and PO Sidorskiy did not answer and did not provide their shield numbers. § 87(2)(b) received the names and tax ID numbers of both officers from the aforementioned summonses.

Both PO Cavallo (BR 04) and PO Sidorskiy (BR 05) testified that they did not recall if § 87(2)(b) asked for their respective shield numbers. PO Cavallo and PO Sidorskiy testified that they would never refuse to provide their shield numbers if requested by a member of the public.

§ 87(2)(b) cell phone recording (BR 06) shows § 87(2)(b) asking PO Sidorskiy, “Officer, what is your ID number?” PO Sidorskiy, responds, “Don’t worry about it,” repeating the phrase two more times. This exchange is captured between the 00:00 and 00:10 minute marks. PO Sidorskiy, upon viewing this footage, explained that he was unwilling to provide his information until § 87(2)(b) provided her identification to either himself or PO Cavallo. PO Sidorskiy also stated that he did not understand what § 87(2)(b) meant in asking for his “ID number.”

Neither § 87(2)(b) cell phone recording nor the officers' body-worn camera footage (BR 07, 08), which together capture the entirety of this incident, shows § 87(2)(b) asking for PO Cavallo's shield number, nor shows PO Cavallo refusing to provide his shield number.

Under Patrol Guide Procedure 203-09 (BR 09), members of service must "courteously and clearly state [their] rank, name, shield number and command, or otherwise provide them, to anyone who requests [them] to do so."

§ 87(2)(b), § 87(2)(g)

Allegation C: Abuse of Authority: Police Officer Michael Sidorskiy interfered with § 87(2)(b) use of a recording device.

It is undisputed that § 87(2)(b) recorded the remainder of this incident on her cell phone after she exited her vehicle.

§ 87(2)(b) testified that after she refused to provide her identification, she overheard PO Cavallo instruct PO Sidorskiy to begin the booking process, at which point § 87(2)(b) exited her vehicle while recording on her cellphone and cursed at the officers. § 87(2)(b) described that by this point, a crowd of approximately 40 onlookers had gathered. § 87(2)(b) alleged that PO Sidorskiy approached within inches of her and flashed his flashlight into her face in an attempt to stop her from recording. § 87(2)(b) continued recording and walked around PO Sidorskiy's and PO Cavallo's vehicle as they issued her summonses.

§ 87(2)(b) cell phone recording shows her exit her vehicle and begin to narrate the incident as she records with her camera in "selfie" mode. As she does so, a light, consistent with that of a flashlight, appears across § 87(2)(b) face for approximately three seconds between the 01:12 – 01:15 minute mark. The light does not interfere with the cell phone recording in any way and § 87(2)(b) continues to speak undeterred, stating that "there ain't nothing soft about § 87(2)(b). Between the 01:12 – 01:19 minute mark, PO Sidorskiy tells § 87(2)(b) to "record all that" four times.

PO Sidorskiy's body-worn camera video shows that, at the 01:05 minute mark, the aforementioned light emanates from PO Sidorskiy's position. Aside from this light, this area of the parking lot is otherwise dark.

PO Sidorskiy, after reviewing his body-worn camera video recording, stated that he did not recall shining a flashlight toward § 87(2)(b) face and noted that it may have been from a bystander.

Under Patrol Guide Procedure 203-29 (BR 10), members of service may not "threaten, intimidate, or otherwise discourage an observer from recording the police officer's activities."

§ 87(2)(b), § 87(2)(g)

Allegation D: Discourtesy: Police Officer Eric Cavallo spoke discourteously to § 87(2)(b)

Allegation E: Discourtesy: Police Officer Michael Sidorskiy spoke discourteously to § 87(2)(b)

It is undisputed that after she exited her vehicle, § 87(2)(b) walked around the police vehicle and filmed the officers for the remainder of this incident.

§ 87(2)(b) alleged that PO Cavallo said he “didn’t give a fuck” about § 87(2)(b) recording the incident, and that immediately thereafter PO Sidorskiy said that he “didn’t give a fuck” about § 87(2)(b) recording the incident.

In PO Cavallo’s body-worn camera footage from the 02:33 to 03:55 minute mark, PO Cavallo twice directs § 87(2)(b) to return to her vehicle at the 02:47 mark, approximately 15 seconds after she exited her vehicle. § 87(2)(b) ignores these commands and continues to walk outside her vehicle while recording on her cell phone for the following minute. For approximately 45 seconds afterward, § 87(2)(b) and PO Sidorskiy speak regarding the number of lawsuits § 87(2)(b) has against members of service. PO Cavallo does not speak to § 87(2)(b) as she and PO Sidorskiy interact and no further orders to return to the vehicle are given. PO Cavallo stands adjacent to his police vehicle while PO Sidorskiy grabs summons books from the trunk of the police vehicle. § 87(2)(b) stands several feet away as she continues to speak to the officers. § 87(2)(b) asks PO Cavallo, “So what you doing to me?” PO Cavallo, speaking to PO Sidorskiy, says, “She’s gonna get a summons and that’s it.” § 87(2)(b) replies, “Summons for what?” to which PO Cavallo replies, “Disorderly conduct.” § 87(2)(b) responds, “For what? I’ve got it all on video.” PO Cavallo, at the 03:50 mark, “I don’t give a shit what you have on video, get out of my way.” PO Cavallo tells then walks past § 87(2)(b) to the front passenger door of his police vehicle.

As captured by PO Cavallo’s and PO Sidorskiy’s body-worn camera footage, and § 87(2)(b) cell phone footage, PO Sidorskiy never uses any profanity during the entirety of the incident.

PO Cavallo testified that he said that he told § 87(2)(b) that “I don’t give a shit what you have on video” because she had already mentioned her recording on her phone.

PO Sidorskiy testified that he did not use the word “shit” or “fuck” in speaking to § 87(2)(b).

As per Patrol Guide Procedure 200-02, the values of the NYPD include the pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility” (BR 11). Furthermore, as declared in DAO-DCT Disciplinary Case No. 2013-10143, “profanity has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation” (BR 12).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation F: Discourtesy: PO Cavallo acted discourteously towards § 87(2)(b)

§ 87(2)(b) testified that, at the end of this incident, after PO Cavallo and PO Sidorskiy wrote their summonses, PO Cavallo walked past § 87(2)(b) to her vehicle. The driver’s door of § 87(2)(b) vehicle remained ajar because § 87(2)(b) did not close the door when she exited her vehicle several minutes prior. § 87(2)(b) testified that PO Cavallo threw the summons onto the floor of her vehicle and made no effort to hand it to her.

§ 87(2)(b) cell phone recording shows, from 08:50 to the 09:05 minute mark, that PO Cavallo stands next to § 87(2)(b) drivers’ seat for several seconds while § 87(2)(b) stands adjacent to her vehicle’s engine block. PO Cavallo places a summons on the driver’s seat of § 87(2)(b).

vehicle before walking back to his police vehicle.

PO Cavallo originally did not recall if he handed a summons directly to § 87(2)(b) or placed a summons inside her vehicle. PO Cavallo did not recall throwing the summons on the floor of § 87(2)(b) vehicle. Upon reviewing § 87(2)(b) cell phone footage from the 08:50 to 09:05 minute mark, PO Cavallo testified that he placed a summons inside § 87(2)(b) vehicle and did not attempt to hand the summons directly to § 87(2)(b) because of her general uncooperativeness during this incident.

PO Sidorskiy testified that § 87(2)(b) refused to accept the summons written and provided by PO Cavallo.

Under Patrol Guide Procedure 203-09, members of service must “interact with members of the public in a professional manner.”

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two complaints and has been named a victim in five allegations (BR 13):
 - § 87(2)(b)
- PO Cavallo has been a member of service for five years and has been a subject in six complaints and nine allegations, none of which were substantiated. § 87(2)(g)
- PO Sidorskiy has been a member of service for 17 years and has been a subject in 24 complaints and 69 allegations, of which one was substantiated:
 - 2018107856 involved a substantiated allegation of a vehicle stop against PO Sidorskiy. The CCRB recommended Command Discipline A and the NYPD imposed formalized training.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of April 8, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 14).
- According to the Office of Court Administration, § 87(2)(b) has no history of criminal convictions in New York City (BR 15).

Squad No.: 14

Investigator: Ethan C. Waterman
Signature

Inv. Ethan Waterman
Print Title & Name

07/01/2020
Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 07/04/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Dates